

# **Validation of Planning Applications**

## **Local List and Explanatory Notes**

### **Introduction**

The list below provides details of the information which the local planning authority may require to be submitted with different types of planning application in addition to the national requirements specified by the government.

All items included in the national requirement must accompany your planning application. However, each application will have different requirements and in order to ensure that you enclose the appropriate information from the local list, you are advised to contact a planning officer for pre-application discussions.

Following the submission of an application in some cases further information may still be required and the local planning authority reserves the right to request such information, notwithstanding pre-application discussions.

### **Affordable housing statement**

Information is required about the affordable housing proposed including the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

### **Biodiversity survey and report**

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or

alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. **Government planning policies for biodiversity are set out in Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)** (August 2005), PPS9 is accompanied by a Government Circular: *Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system* (ODPM Circular 06/2005, Defra Circular 01/2005 and *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*. Material produced by other organisations may also provide a useful reference resource for local planning authorities when developing local lists.<sup>1</sup>

## **Design and Access Statement**

Detailed advice on the preparation of a design and Access Statement can be found in the CABE publication, 'Design and Access Statements – How to write, read and use them'.

PPS1 Delivering Sustainable Development makes it clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine the quality of life or community cohesion.

The Design and Access Statement must include an explanation of how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable, places set out in the document, 'Safer Places – the planning system and crime prevention'.

**For planning applications submitted in parallel with a request for listed building consent, it will be expected that a single Design and Access statement should deal with both applications.**

## **Economic statement**

Applications should be accompanied by a supporting statement of any economic growth/regeneration benefits from the proposed development including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use; and any community benefits. Applications should demonstrate how they will contribute to the implementation of the goals of the Regional Economic Strategy, relevant sub-regional objectives and any local economic/regeneration strategies

## **Environmental Statement**

The Town and Country Planning (Environmental Impact Assessment) Regulations (SI1999/293), as amended, set out the circumstances in which an Environmental Impact

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<sup>1</sup> The British Standards Institute has produced a Publicly Available Standard, PAS 2010 *Planning to halt the loss of Biodiversity* which takes the form of recommendations on standard procedures for taking account of biodiversity in the planning process, and the Association of Local Government Ecologists has developed a good practice template (available at <http://www.alge.org.uk>) which gives detailed validation requirements for biodiversity and geological conservation. Local authorities may wish to draw on this material when preparing their own local validation requirements.

Assessment (EIA) is required. EIA may obviate the need for other more specific assessments.

Where an EIA is required, Schedule 4 to the regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when the local planning authority decides whether to grant planning consent. It may be helpful for a developer to request a 'screening opinion' (i.e. to determine whether EIA is required) from the local planning authority before submitting a planning application. In cases, where a full EIA is not required, the local planning authority may still require environmental information to be provided.

### **Flood risk assessment**

A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and for all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to the Local Planning Authority by the Environment Agency.

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

**The FRA should be prepared by an applicant in consultation with the local planning authority with reference to their published local development documents and any Strategic Flood Risk Assessment.** The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. ***Planning Policy Statement 25: Development and Flood Risk (December 2006)*** and its associated *Practice Guide* provide comprehensive guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

### **Foul sewage and utilities assessment**

All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.

Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A

foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in ***DETR Circular 03/99 and Building Regulations Approved Document Part H and in BS6297.***

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. **Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.**

The applicant should demonstrate:

- (a) that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- (c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains;
- (d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

### **Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)**

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss

proposals with either a planning officer or a conservation officer before any application is made. The following is a guide to the sort of information that may be required for different types of application.

**For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.** A structural survey may be required in support of an application for listed building consent.

**For applications for conservation area consent,** a written statement that includes a structural survey, an analysis of the character and appearance of the building/ structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.

**For applications either related to or impacting on the setting of heritage assets** a written statement that includes plans showing historic features that may exist **on or adjacent to the application site including listed buildings and structures and scheduled ancient monuments** and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

**For applications within or adjacent to a conservation area,** an assessment of the impact of the development on the character and appearance of the area may be required.

Archaeology – where there is a reasonable probability of archaeological remains, whether below or above ground, being present on the site, the detail to be included in the Heritage Statement will depend on the scale of development, as well as the nature of the archaeology. Domestic extensions and alterations will not require such an assessment, except in the case of historic buildings or conservation areas. Where significant ground disturbance occurs, especially in areas which have recorded historic environment assets on the Historic Environment Record (see <http://unlockingessex.essex.gov.uk>), then a field evaluation including trial trenching may be necessary as part of the Heritage Statement.

For heritage assets, advice is provided in ***Planning Policy Guidance Note 15 Planning and the Historic Environment***, (September 1994). For archaeological remains, advice is provided in ***Planning Policy Guidance Note 16: Archaeology and Planning*** (November 1990). Further advice can be found in 'A Charter for English Heritage Advisory Service', published by English Heritage. In considering the information required to fully assess the affect a proposal may have on historic assets and/or the historic environment, the local planning authority will be guided by the advice in the English Heritage Charter.

## **Land Contamination assessment**

Applications may also need to be accompanied by a land contamination assessment which should include an extended assessment of contamination in line with **Planning Policy Statement 23: Planning and Pollution Control** (November 2004). Sufficient information will be required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

## **Landscaping details**

Applications may be accompanied by landscaping details and include proposals for long term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the Design and Access Statement, if required. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

## **Lighting assessment**

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development, must be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. **Lighting in the countryside: Towards good practice** (1997). It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

## **Noise assessment**

Applications for developments that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in **Planning Policy Guidance 24: Planning and Noise** (September 1994).

## **Open Space assessment**

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning consent is not normally given for development of existing open spaces which local communities need, but an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in **Planning Policy Guidance note 17: Planning for open space, sport and recreation** and paragraph 2.3 of the Sport

England publication, 'Consultation arrangements for local authorities with regard to development that affects playing fields' (*July 2002*).

In summary, for applications specifically involving playing fields the following information will be required:

- (a) The size of the existing playing field and how much of the playing field is affected by the proposal (in ha or m<sup>2</sup>).
- (b) Existing site plan, clearly showing the layout of the winter and summer pitches including safety margins at a minimum 1:1000 scale.
- (c) Proposed site plan, showing how any proposed new buildings and other works are likely to impact on the existing pitch layout. Any realignment of pitches should also be shown.

Any information of alternative sport and recreational provision.

### **Parking Provision**

Applications are required to provide details of existing and proposed parking provision including cycle storage and provision. These details should be shown on a site layout plan.

### **Photographs and Photomontages**

These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

### **Planning obligations – Draft Head(s) of Terms**

Planning obligations (or “section 106 agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

The likely requirements for a planning obligation will be discussed at pre-application meetings and, in appropriate cases, the proposed Heads of Terms should then be submitted with the application. Model templates for section 106 agreements are available on the Council’s website.

### **Statement of Community Involvement**

Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in Rochford’s adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

## Streetscene views

In some instances drawings showing views of the development site together with adjacent buildings can be extremely useful to demonstrate how the propose scheme relates to its surroundings.

## Structural Survey

A structural survey may be required in support of an application if the proposal involves substantial demolition, for example, **barn conversion** applications.

## Telecommunications Development – supplementary information

Planning applications for mast and antenna development by mobile phone network operators in England should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the ***Code of Practice on Mobile Network Development (2002)***.

## Town Centre Uses – Evidence to accompany applications

***Planning Policy Statement 6: Planning for Town Centres (March 2005)***<sup>2</sup>, sets out the main town centre uses to which the policy applies, in paragraph 1.8. Subject to the policies set out in the document, paragraph 3.4 lists the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

## Transport assessment

***Planning Policy Guidance 13 Transport (March 2001)*** advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. **The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal.** For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to

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<sup>2</sup> Note that under proposals set out in the Planning White Paper Planning for a Sustainable Future (May 2007), it is proposed to review Planning Policy Statement 6.

improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in **Guidance on Transport Assessment**, (March 2007) published by the Department for Transport.

### **Travel Plan**

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by *Planning Policy Guidance Note 13: Transport* (DETR, 2001), paragraphs 87-91.

**Further advice is available in *Using the planning process to secure travel Plans: Best practice guide* ODPM and DfT, 2002 (forthcoming revised guidance), also *Making residential travel plans work: Good practice guidelines for new development: DfT and A guide to development related travel plan* (Addison & Associates).**

### **Tree survey/Arboricultural implications**

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a qualified arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction—Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts, with services for example, are avoided.

### **Ventilation/Extraction statement**

Details of the position and design of ventilation and extraction equipment, **including odour abatement techniques and acoustic noise characteristics**, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. Restaurants and cafes—use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments—use as a public house, wine-bar or other drinking establishment), A5 (i.e. Hot food takeaways—use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.